

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NO. 91, FOOD AND DRUGS ACT.

MISBRANDING OF LEMON, RASPBERRY, AND STRAWBERRY EXTRACTS.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 21st day of January, 1909, in the district court of the United States for the district of Oregon, in a prosecution by the United States against the Dwight-Edwards Company, a corporation of Portland, Oregon, for violations of section 2 of the aforesaid act in the shipment and delivery for shipment from Oregon to Idaho and Montana of three certain articles of food labeled, "Pine Bur Flavoring Extract, Lemon," "Edwards' Dependable Pure Extract Raspberry," and "Edwards' Dependable Pure Extract Strawberry," which were misbranded within the meaning of section 8 of the aforesaid act as hereinafter stated, the said Dwight-Edwards Company having entered a plea of guilty, the court imposed upon it a fine of \$25 for each of the three offenses.

The facts in the cases were as follows:

On October 31, 1907, an inspector of the United States Department of Agriculture purchased from W. A. Sprague, Nampa, Idaho, a sample of an article of food labeled, "Pine Bur Flavoring Extract, Lemon, Dwight-Edwards Co., Portland, Oregon." This sample was part of a shipment made by the Dwight-Edwards Company from Portland, Oregon, to W. A. Sprague, Nampa, Idaho, on September 20, 1907. The sample was subjected to analysis in the Bureau of Chemistry, United States Department of Agriculture, and it was found that it contained only 1.62 per cent of oil of lemon, 3.38 per cent less than the normal and recognized lemon extract.

It was apparent that it was not lemon extract, and the statement in the label was therefore false, misleading, and deceptive.

On September 25, 1907, an inspector of the Department of Agriculture purchased from Worden's Grocery, Missoula, Montana, two samples of food products, one of which was labeled, "2 Ounces. Full Weight, Edwards' Dependable Pure Extract Strawberry. Dwight-Edwards Company, Portland, Oregon," and the other, "2 Ounces. Full Weight. Edwards' Dependable Pure Extract Raspberry. Dwight-Edwards Com-

pany, Portland, Oregon." These two samples were a part of a shipment made by the Dwight-Edwards Company from Portland, Oregon, to Worden's Grocery, Missoula, Montana, on June 18, 1907. Each of the samples was analyzed in the Bureau of Chemistry, United States Department of Agriculture, and was found to be an imitation flavor, artificially colored. The statements in the labels were therefore false, misleading, and deceptive.

The Secretary of Agriculture having afforded the Dwight-Edwards Company opportunity to show any fault or error in the aforesaid analyses, and it having failed to do so, the facts were duly reported to the Attorney-General and by him referred to the United States attorney for the district of Oregon who filed an information against the said Dwight-Edwards Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 17, 1909.*